Sri P. R. RAMAIYA.—Sir, there is one point of clarification in connection with the Schedule. The Mysore Land Revenue Code is being applied to Bellary. Bellary is not governed by the Madras Code. The Mysore Land Revenue System is more or less working according to the Bombay System. I would like to know whether it would not create a revolutionary change in the working of the Revenue system in Bellary if you apply the Mysore Land Revenue Code.

Sri A. G. RAMACHANDRA RAO.—Sir, by the introduction of this one Act, we are repealing nearly a dozen Acts we have notified along with the Bill; and our study has led us to believe that there will not be any revolutionary change. In fact, people of Bellary are welcoming this legislation.

Mr. SPEAKER.—The question is:

"That the schedule stand part of the Bill."

The motion was adopted.

Schedule was added to the Bill.

Mr. SPEAKER.—Clause 1. The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—Sir, I beg to move:

"That the Mysore Revenue Laws (Extension to Bellary) Bill, 1954 be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Revenue Laws (Extension to Bellary) Bill, 1954 be passed."

The motion was adopted.

MYSORE REVISION OF STATE LAWS BILL, 1954.

Motion to consider.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to move:

"That the Mysore Revision of State Laws Bill, 1954 be taken into consideration."

Sir, this is a very important Bill; as could be seen from the Bill that is in the hands of the Hon'ble Members, a number of Bills are brought into the purview of this Bill. The main object of the Bill is to make these enactments passed from time to time, to conform to the Constitution. Some of them date from the year 1886. All these enactments have been carefully scrutinised by the Law Department and have been brought into conformity with the Constitution. The amendments that they have sought to make are also notified. Sir, I move that this Bill be taken into consideration.

Mr. SPEAKER.—Motion moved:

"That the Mysore Revision of State Laws Bill, 1954 be taken into consideration."

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ (ಸಾಗರ—ಹೊನ ನಗರ).—ಇಂಥ ಮಸೂದೆಗಳನ್ನು ಮಂಡಿಸುತ್ತೀ ವೆಂದು ಹಿಂದಿನ ದಿವಸವಾದರೂ ಹೇಳಬೇಕು. ಇಲ್ಲ ದಿದ್ದರೆ ಬಹಳ ತೊಂದರೆಯಾಗುತ್ತದೆ. ನಾಳೆ ತೆಗೆದು ಕೊಳ್ಳುವುದನ್ನು ಇಂದು ಹೇಳಿದರೆ ಬಹಳ ಉಪಕಾರ ಮಾಡಿದಂತಾಗುತ್ತದೆ.

1 P.M.

ಮೋಟಾರ್ ವೆಹಿಕಲ್ಸ್ ಆಕ್ಟ್‌ನ ಮೇಲೆ ಚರ್ಚೆ ಮಾಡುತ್ತ ಇದ್ದೆವು. ಅದರ ಮೇಲೆ ಮಾತನಾಡ ಬೇಕೆಂದು ಈ ದಿನ ಅದನ್ನು ಓದಿಕೊಂಡು ಬಂದಿದ್ದೇವೆ. ಈಗ ಅದು ಬೇಡ, ಬೇರೆ ಮಸೂದೆ ತೆಗೆದುಕೊಳ್ಳೋಣ ಎಂದು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿದರೆ ಅದು ಸರಿಯಾ ಗುವುದಿಲ್ಲ. ಅದರಲ್ಲೇನೂ ಹೆಚ್ಚು ತೊಡಕಿಲ್ಲದಿದ್ದರೆ ಪರವಾಗಿಲ್ಲ ಒಳ್ಳೆಯದಾಗುತ್ತದೆ. ಅಕಸ್ಮಾತ್ತಾಗಿ ತೊಡಕಿದ್ದರೆ, ಅಂಥಾದ್ದು ಯಾವುದನ್ನು ನೋಡದೇ ನಾವು ಸುಮ್ಮನೆ ಕಣ್ಣುಮುಚ್ಚಿಕೊಂಡು 'yes' ಎನ್ನು ವುದು ಸರಿಯಲ್ಲ.

ಶ್ರೀ ಆರ್. ಅನಂತರಾಮನ್ (ಚಾಮರಾಜ ಪೇಟೆ).—ಅದೂ ಅಲ್ಲದೆ ಇದು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಹೋಗಿ ಮತ್ತೆ ಬರುತ್ತದೆ.

Mr. SPEAKER.—Therefore, all these Bills are included in the agenda—quite a number of days before they are taken up.

Sri P. R. RAMAIYA (Pasavangudi).—Sir, this booklet is placed in my hands

just now. Quite a number of laws are going to be repealed. But I would like to have some information. As it occurs to me, if the Mysore High Court Act of 1884 is amended, page 4, how it would affect the composition of our High Court here regarding the contempt of court cases, I would like to know. Since the Constitution was ushered into existence, the High Courts have to act according to some laws in existence. I want to know whether the High Court of Mysore is now functioning according to the new law that has come into existence, which governs the Supreme Court down to the High Court, or is it governed by any other law. I want to know this because, in the Courts arguments in connection with some case that is going on now in the High Court, there was some point raised about the Contempt of Court Act. I would therefore like the Hon'ble Law Minister to throw some light on that point. Another matter is about this Mysore Press Act.....

Sri A. G. RAMACHANDRA RAO.—Sir, I do not know the relevancy of the information which he now wants. I am prepared to give him the information. But how far would it be consistent with the procedure to be adopted in respect of this Bill ?

Sri P. R. RAMAIYA.—We are repealing.....

Sri A. G. RAMACHANDRA RAO.—We are not repealing any Act. This is only a revision to bring it into conformity with the Constitution.

Sri P. R. RAMAIYA.—Sir, the Second Schedule amends the Mysore High Court Act of 1884. It is amending it. They say "Omit second paragraph" etc. You have not got any thing to refer. Simply we have to take it on trust as if the whole thing has been gone through carefully I only want some information from the Law Minister as to how the Contempt of Court law is going to be affected by this and whether there is any law at present to govern the contempt of court cases and if so, is it the old law or is it the new law that would come into operation after the ushering of the Constitution. The Supreme Court is the Appeal Court of the High Court of Mysore. There are some doubts.

Sri R. ANANTARAMAN.—Sir, I rise to a point of order. The case is pending before the High Court. It is not yet settled. Is it fair that the Hon'ble Law Minister should say something about it ?

Sri P. R. RAMAIYA.—My friend Sri Anantaraman is discussing some point of law.

Sri R ANANTARAMAN.—The point at issue is whether the Contempt of Court Act is still existing and applicable to the present case or whether the Contempt of Court Act is not applicable to the present case.

Sri P. R. RAMAIYA.—I want to know a point of fact. There is no point of law in this. I am very clear in my mind. I want to know a point of fact. What law governs us? That is one point. I would like the Hon'ble Law Minister to throw some light on this subject.

Sri A. G. RAMACHANDRA RAO.—The Judiciary is being organised and worked under the Constitution. The High Court is subordinate to the Supreme Court. Regarding the Contempt of Court Act, the Act of Mysore has been repealed by the Central enactment. It is no longer operative. Each High Court has to frame its own rules for regulating the contempt of court procedure. So far, the High Court has not done it. So the principles of natural justice has to be applied and the case decided. That is my view of the case.

***Sri M. LINGANNA** (Nanjangud).—Sir, the proposed Bill before us seems to be an omnibus one wherein almost all the Acts are sought to be revised. I notice that in some of the Acts that are in existence now, some words and some sentences have been sought to be revised. We also note that some of the Acts are sought to be amended by separate Bills. To give an example, the Cattle Trespass Act is before us and an amendment is moved for that. But in this particular amending Bill wherein revision is sought for the Cattle Trespass Act of 1871, section 12 is being substituted. But I want to know—where was the necessity for this when the Cattle Trespass Act is the subject of a separate amendment ?

(SRI M. LINGANNA.)

The other Acts that have been sought to be revised are very important Acts like the Land Revenue Code, the Village Officers Act and also the Small Cause Courts Act; some of the most important Acts of the State have been sought to be revised by this amending Bill. Sir, the far-reaching consequences of this particular revising Bill ought to have been made known to this House because several sections and several clauses have been revised. If we allow this amendment to be passed without being subjected to the scrutiny and detailed investigation of a Select Committee, I believe, that we will not be doing justice so far as the Revision of the State Laws Bill is concerned. Because, some of them are redundant and some of them need careful consideration and scrutiny as almost all the Acts of the State are sought to be revised. I therefore, submit that this particular amending Bill wherein most of the State Laws have been sought to be revised should be sent to a Select Committee. I have no objection if the report of the Select Committee is placed before this House in this session itself and the Bill passed. If it is not possible it may be brought before this House in the next session. I therefore, submit that the Mysore Revision of State Laws Bill should be referred to a Select Committee and after a careful and meticulous scrutiny, we may accept this amending Bill.

Sri A. G. RAMACHANDRA RAO.—The Hon'ble Member who spoke just before me raised only one point, namely, that there was already an amending Bill in respect of the Cattle Trespass Act and an amendment for the same is included here also.

Sri M. LINGANNA.—There is another the Mysore Village Panchayets and District Boards Act .....

Sri A. G. RAMACHANDRA RAO.—There are some amending Bills apart from the amending Bill here. The scope of the two are different. Here, it is done to bring it in conformity with the Constitution. The other is to meet a situation, to make adjustments as per the present requirements. So the scope is different. One other Hon'ble Member pointed the change of phraseology from local Government to State Government. The word local Government is no longer in use. The word in use is the State Government. Therefore, we have introduced that phraseology in this enactment. Regarding referring to the Select Committee I should think that it would be better that this House as well as the Legislative Council go into the matter after it is referred to a Select Committee and considered by them. This is a very important measure. I would be glad if the Select Committee were to go through this and make this Bill better and bring it before this House. I beg to move that this Bill may be referred to a Select Committee of both the Houses. I will make a motion after the consideration stage is over.

Mr. SPEAKER.—The question is:

"That the Mysore Revision of State Laws Bill, 1954, be taken into consideration."

The motion was adopted.

Motion to refer

Sri A. G. RAMACHANDRA RAO.—As I submitted, Sir, this is an important measure seeking to bring the laws of Mysore in conformity with the Constitution. It is better that it is considered by a Select Committee in detail and brought back to this House with their report. I therefore beg to move.—

"That the Mysore Revision of State Laws Bill, 1954, be referred to a Joint Select Committee of this House and Legislative Council, consisting of a total number of twelve members (eight from this House and four from the Legislative Council) that the concurrence of the Legislative Council be obtained therefor and that the following Members of this House shall be members of the Joint Select Committee, namely.—

Sriyuts—

1 K. Puttaswamy
2 M. Madiah
3 M. V. Rama Rao
4 H. C. Linga Reddy
5 M. Rajasekharamurthy
6 J. Mohamed Imam

Sriyuts—

7 K. Pattabhiraman, and
8 N. Huchmasthy Gowda"

Mr. SPEAKER—The question is:

"That the Mysore Revision of State Laws Bill, 1954, be referred to a Joint Select Committee of this House and the Legislative Council, consisting of a total number of twelve members (eight from this House and four from the Legislative Council), that the concurrence of the Legislative Council be obtained therefor and that the following Members of this House shall be members of the Joint Select Committee, namely:—

Sriyuts—

1 K. Puttaswamy
2 M. Madiah
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4 H. C. Linga Reddy
5 M. Rajasekharamurthy
6 J. Mohamed Imam
7 K. Pattabhiraman, and
8 N. Huchmasthy Gowda."

The motion was adopted

Mr. SPEAKER.—Under rule 90-P, the Minister for Law is nominated as a member of the Joint Select Committee.

THE CATTLE TRESPASS (AMENDMENT) BILL, 1954.

Motion to consider.

* **Dr. R. NAGAN GOWDA** (Minister for Agriculture).—Sir, I beg to move.

"That the Cattle Trespass (Amendment) Bill, 1954, as passed by the Legislative Council, be taken into consideration."

In doing so, I wish to state that the copy of the Bill as passed by the Legislative Council was placed on the Table of the House. It contains, as it has emerged from the Legislative Council, a few minor changes of important provisions which are necessary for the smooth working of the Act and also in order to provide safety for the owners of cattle and also for getting rapid action taken on those that allow cattle to trespass into others fields.

It also provides for application of this Act to Bellary. That of course is incidental. The Bill that was passed just a few minutes back regarding the application of laws to Bellary does not contain this. Section 17 of the existing Act provides for only three months before which the unclaimed proceeds of the sale of cattle for failure to pay the fine, etc., are kept with the Magistrate of the District. This one provides for six months. Section 26 provides for penalties for damage to crops, etc. A new section has been added—section 26A which states:

"No Court shall take cognizance of any offence punishable under section 26, except on a complaint in writing made by a person aggrieved by such offence or by a person who is a public servant as defined in section 21 of the Indian Penal Code (Central Act XLV of 1860)."

This also is an important section because it enables the person whose property has been damaged to make a complaint for action being taken on the owners of cattle that are responsible for damage. Then we have section 32 which provides for rules being made in this regard. In Bellary at present there are a number of Acts in force which are also sought to be repealed under this. This Bill is before the House and I beg that this be taken into consideration.

Mr. SPEAKER.—Motion moved:

"That the Cattle Trespass (Amendment) Bill, 1954, as passed by the Council be taken into consideration."

Sri J. MOHAMED IMAM (Jagalur).—Have the elders in the Legislative Council given us any fresh suggestion?

Dr. R. NAGAN GOWDA.—They have made an amendment. One of the provisions that was contained in the original Bill has been dropped. That contemplated the requirement of a deposit by the owner of the cattle which trespassed into others, fields; that provision has been deleted in this.

Sri M. LINGANNA (Nanjangud).—What is the quantum of penalty contemplated?